

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:03-cr-0062-SEB-DML
)	
JEFFREY GARRETT,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On February 24, 2022, the Court held a hearing on the Petitions for Warrant or Summons for Offender Under Supervision filed on September 17, 2020, and February 16, 2022. [Docket Nos. 61, and 72.] Defendant Garrett appeared in person with his appointed counsel Gwendolyn Beitz. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jamie Roberts.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Garrett of his rights and provided him with a copy of the petition. Defendant Garrett orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Garrett admitted violation number 1. [Docket Nos. 61, and 72.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

1

“The defendant shall not commit another federal, state or local crime.”

On September 16, 2020, Mr. Garrett was arrested for attempted sexual misconduct with a minor and child solicitation, after he traveled from Indianapolis, Indiana, to Madison, Indiana, for the purposes of engaging in sexual activities with what he believed to be a 14-year-old female. These offenses are both Level 4 felonies.

According to the Madison, Indiana, Police Department (MPD) probable cause affidavit, beginning in early September 2020, Mr. Garrett began messaging a Facebook account, which had the appearance of being a 14-year-old female. The Facebook account belonged to a detective with MPD and is used for the purpose of investigating sex crimes. During the investigation, Mr. Garrett had conversations with who he thought was a minor female about her past sexual history, her favorite sexual positions, and when she lost her virginity.

On or about September 9, 2020, Mr. Garrett made plans to travel from Indianapolis, Indiana, to Madison, Indiana, for the purpose of engaging in sexual intercourse with the female minor. On September 16, 2020, Mr. Garrett used the Facebook calling feature to call the female minor with a female officer answering. Mr. Garrett stated he was on his way to meet her and he messaged that he would be in a white minivan at a nearby restaurant. Officers located Mr. Garrett in the white minivan at the restaurant and he was arrested.

On September 17, 2020, this case was formally charged in Jefferson County Circuit Court under case number 39C01-2009-F4-001102. Mr. Garrett was charged with child solicitation, sexual misconduct with a minor, both Level 4 felonies, and as being a habitual offender. On January 5, 2022, Mr. Garrett was convicted and sentenced to 5 years imprisonment in this case, with no time suspended. His charge of conviction was child solicitation, a Level 4 felony, with all other counts dismissed.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is VI.

- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 27 months' imprisonment.

5. Government recommended a sentence of sixty (60) months imprisonment to be served consecutive to the sentence received under 39C01-2003-F4-001102, Jefferson County, Indiana with a term of supervised release to follow. Defendant recommended a sentence of twenty-seven (27) months imprisonment to be served consecutive to the sentence received under 39C01-2003-F4-001102, Jefferson County, Indiana.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of twenty-seven (27) months with thirty-three (33) months of supervised release to follow. In addition to the mandatory conditions of supervision, the following conditions of supervised release will be imposed:

1. You shall report to the probation office in the federal judicial district to which you are released within 72 hours of release from the custody of the Bureau of Prisons.
Justification: This condition is an administrative requirement of supervision.
2. You shall report to the probation officer in a manner and frequency directed by the court or probation officer.
Justification: This condition is an administrative requirement of supervision.
3. You shall permit a probation officer to visit you at a reasonable time at home, or another place where the officer may legitimately enter by right or consent, and shall permit confiscation of any contraband observed in plain view of the probation officer.
Justification: This condition is an administrative requirement of supervision.
4. You shall not knowingly leave the federal judicial district without the permission of the court or probation officer.
Justification: This condition is an administrative requirement of supervision.
5. You shall answer truthfully the inquiries by the probation officer, subject to your 5th Amendment privilege.
Justification: This condition is an administrative requirement of supervision.

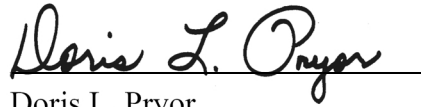
6. You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.
Justification: This condition is aimed at reducing the risk of recidivism and providing for public safety.
7. You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours changes in who lives there, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.
Justification: This condition will assist the probation officer in monitoring the defendant for protection of the community.
8. You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.
Justification: This condition will provide for public and officer safety.
9. You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.
Justification: This condition will assist the probation officer in monitoring the defendant for protection of the community.
10. You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.
Justification: This condition will ensure the defendant maintains gainful employment and reduce the risk of recidivism.
11. You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
Justification: This condition will assist the probation officer in monitoring the defendant for protection of the community.
12. As directed by the probation officer, you shall notify third parties who may be impacted by the nature of the conduct underlying your current or prior offense(s) of conviction and/or shall permit the probation officer to make such notifications and/or confirm your compliance with this requirement.
Justification: This condition will reduce the risk to the community posed by the offense of conviction, as well as the offender's personal history and characteristics.
13. You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.
Justification: This condition is an administrative requirement of supervision.

14. You shall provide the probation officer access to any requested financial information and shall authorize the release of that information to the U.S. Attorney's Office for use in connection with the collection of any outstanding fines and/ or restitution.
Justification: This condition will assist the probation officer in verifying the legitimacy of the defendant's income.
15. You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner. You shall follow the prescription instructions regarding frequency and dosage.
Justification: Based on the nature of the instant offense, this condition will deter any unlawful use or possession of controlled substances.
16. You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall not attempt to obstruct or tamper with the testing methods.
Justification: This condition will allow the probation office to monitor the offender's sobriety.
17. You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary. You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches.
Justification: Due to the nature of the instant offense, this condition is necessary to ensure the protection of the community by allowing the probation officer to investigate any reasonable suspicion the offender is engaging in criminal behavior.

Defendant reviewed the foregoing conditions and they were reviewed by defendant with his attorney. Defendant, on the record, waived reading of the above-noted conditions of supervised release.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Date: 2/25/2022

A handwritten signature in black ink, reading "Doris L. Pryor", is written over a horizontal line.

Doris L. Pryor
United States Magistrate Judge
Southern District of Indiana

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